

Proposed Amendment Relating
to the Regulation of Cigarette
Advertising by Federal Regulatory
Agencies and the States

Page 4: Strike out lines 20 through 23

Page 4, line 24: Strike out "(C) Except as is otherwise provided
in subsections (a) and (b)", and insert in lieu
thereof, "(b) Except as otherwise provided in
subsection (a)".

I am opposed to this amendment.

This amendment would wipe out the pre-emption provision in the cigarette act with respect to advertising. If this amendment is adopted there will be no limitation -- there will be no restriction -- on the regulation of cigarette advertising by the various federal regulatory agencies. The Federal Trade Commission and the Federal Communications Commission will be free to adopt the radical, far reaching rules which they have threatened to adopt if Congress does not extend the present cigarette Labeling Act. Moreover, each of the fifty states will be free to regulate cigarette advertising.

I oppose this amendment because it would result in relinquishing Congressional control over cigarette advertising -- it would hand authority over this very complex and difficult matter to the federal agencies and the states. As the Committee Report recognizes, this subject cuts across the whole spectrum of commercial and social

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life in this country. No single regulatory agency has the competence to deal with this issue. It is a question which should be resolved by the elected representatives of the people.

I oppose this amendment because it will result in conflicting federal and state regulations in this field. There will be years of litigation. There will be enormous confusion and uncertainty.

It is evident from the steps already announced by the Federal Trade Commission and the Federal Communications Commission that such conflict exists. The Trade Commission proposes to require a warning in all cigarette advertising. On the other hand, the Communications Commission proposes to ban cigarette advertising on radio and television. This clash of views will only produce confusion, uncertainty, and litigation.

Enactment of this amendment could also open the door to the adoption of conflicting state and local laws dealing with cigarette advertising. State and municipal governments are certainly not the agencies who should regulate cigarette advertising. Cigarettes move in interstate commerce throughout the country. They are advertised to a large extent on national media -- over network television and radio, and nationally circulated publications. This is a national problem -- it should not be dealt with on a local level.